

Translation

PATENT COOPERATION TREATY PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

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| Applicant's or agent's file reference VJ203056PCT | FOR FURTHER ACTION | See Form PCT/IPEA/416 |
| International application No. PCT/FR2004/001560 | International filing date (<i>day/month/year</i>) 23.06.2004 | Priority date (<i>day/month/year</i>) 01.07.2003 |
| International Patent Classification (IPC) or national classification and IPC B60J10/12, B29C70/76, B29C45/14 | | |
| Applicant SAINT-GOBAIN GLASS FRANCE | | |

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| 1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36. |
| 2. This REPORT consists of a total of 7 sheets, including this cover sheet. |
| 3. This report is also accompanied by ANNEXES, comprising: <ul style="list-style-type: none"> a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of 5 sheets, as follows: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions). |
| 4. This report contains indications relating to the following items: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application |

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| Date of submission of the demand | Date of completion of this report |
| Name and mailing address of the IPEA/EP | Authorized officer |
| Facsimile No. | Telephone No. |

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:

 - international search (Rule 12.3 and 23.1(b))
 - publication of the international application (Rule 12.4)
 - international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):

the international application as originally filed/furnished
 the description:
 pages 1-18 as originally filed/furnished
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____
 the claims:
 nos. _____ as originally filed/furnished
 nos.* _____ as amended (together with any statement) under Article 19
 nos.* 1-29 received by this Authority on 04.04.2005 with letter
 nos.* _____ received by this Authority on _____
 the drawings:
 sheets 1/5-5/5 as originally filed/furnished
 sheets* _____ received by this Authority on _____
 sheets* _____ received by this Authority on _____
 a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. The amendments have resulted in the cancellation of:

the description, pages _____
 the claims, nos. _____
 the drawings, sheets/figs _____
 the sequence listing (specify): _____
 any table(s) related to sequence listing (specify): _____
4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages _____
 the claims, nos. _____
 the drawings, sheets/figs _____
 the sequence listing (specify): _____
 any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

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|-------------------------------|------------------------|-----|
| Novelty (N) | Claims <u>1-27, 29</u> | YES |
| | Claims <u>28</u> | NO |
| Inventive step (IS) | Claims <u>1-27, 29</u> | YES |
| | Claims <u>28</u> | NO |
| Industrial applicability (IA) | Claims <u>1-29</u> | YES |
| | Claims _____ | NO |

2. Citations and explanations (Rule 70.7)

1. Reference is made to the following documents:

D1: US 2003/085595 A1 (DUNZINGER CHRISTIAN ET AL) 8

May 2003 (2003-05-08)

D2: FR-A-2 814 705 (SAINT GOBAIN) 5 April 2002 (2002-04-05)

2.1 The present application fails to meet the requirements of PCT Article 33(1), since the subject matter of claim 28 does not comply with the criterion of novelty as defined by PCT Article 33(2).

2.2 It is clear from the description (for example page 11, lines 4 to 25) that it is not the shape of the profile section itself that determines whether a pocket is formed but rather its positioning within the peripheral frame.

Hence any reinforcing element that is suitable for glazing provided with a peripheral frame or peripheral elements made of moulded plastic (cf. Box VIII, paragraph 1 hereunder), consists of a profile section comprising a core portion and at least one projecting portion in the form of a lateral fin, and can be positioned inside the peripheral frame without forming a pocket open towards the glazed element, discloses

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the profile section of claim 28.

For example, this is the case of profile section 13 of D1 (cf. figure 4), which, by virtue of its shape, meets the above-mentioned requirements.

The subject matter of claim 28 is therefore not novel
(PCT Article 33(2)).

3.1 D2, which is considered to be the prior art closest to the subject matter of claim 1, describes (the references between parentheses apply to said document) glazing (cf. figure 1) including a glazed element provided with a peripheral frame 3 made of plastic overmoulded onto said glazed element (cf. page 6, line 32 to page 7, line 1); at least one reinforcing element 8 of the glazed element is incorporated into said frame, which reinforcing element is linked to said frame by an overmoulding plastic (cf. page 7, lines 15 to 16 and figure 2) and consists of a profile section comprising a core portion placed parallel and close to the glazed element and at least one projecting portion distal to the glazed element, forming a pocket (cf. figure 2).

The subject matter of claim 1 differs from the content of D2 in that the projecting portion(s) does (do) not form a pocket open towards the glazed element.

The subject matter of claim 1 is therefore novel (PCT Article 33(2)).

3.2 The problem that the present invention is intended to solve can be considered to be that of the fragility of the glazing arising from the presence of a reinforcing

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element during overmoulding.

3.3 The solution to this problem, as proposed in claim 1 of the present application, consists in using a reinforcing element of which the projecting portion(s) does (do) not form a pocket open towards the glazed element. Thus the reinforcing element does not contain any plastic that may dilate or contract in the direction of the glazed element, transmitting to the latter a stress that may cause it to break. This solution is not disclosed by the available prior art.

Consequently, **the subject matter of claim 1 involves an inventive step** (PCT Article 33(3)).

3.4 Claims 2 to 27 are dependent on claim 1 and thus also comply, as such, with the PCT requirements of novelty and inventive step.

4.1 D2, which is considered to be the prior art closest to the subject matter of claim 29, describes (the references between parentheses apply to said document) a method for overmoulding a plastic frame 3 onto a glazed element 2 (cf. figure 1), whereby a glazed element 2 and at least one reinforcing element 5 or 8, which consists of a profile section comprising a core portion and at least one projecting portion forming a pocket (cf. figure 2 or figure 3), are placed in at least one mould element having a moulding cavity (implicit), and the plastic is injected into the moulding cavity (page 8, lines 12 to 24).

The subject matter of claim 29 differs from the

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| Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <p>content of D2 in that <u>the projecting portion(s) does</u> <u>(do) not form a pocket open towards the glazed</u> <u>element.</u></p> <p>The subject matter of claim 29 is therefore novel (PCT Article 33(2)).</p> <p>4.2 The problem that the present invention is intended to solve can be considered to be that of <u>the fragility of the glazing arising from the presence of a reinforcing element during overmoulding.</u></p> <p>4.3 The solution to this problem, as proposed in claim 29, is identical to the one described in paragraph 3.3 above and the subject matter of claim 29 involves an inventive step (PCT Article 33(3)) for the same reasons.</p> <p>5. The subject matter of claims 1 to 29 is industrially applicable (PCT Article 33(4)).</p> | |

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITYInternational application No.
PCT/FR2004/001560**Box No. VIII Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1. Claims beginning with "*a device for implementing the method*" should be interpreted as meaning only a "*device suitable for implementing the method*" (cf. the PCT International Preliminary Examination Guidelines, V-5.23).

Since the subject matter of claim 28 begins with "*a reinforcing element for glazing*", it should therefore be understood to mean "*a reinforcing element suitable for a glazing unit... according to one of claims 1 to 27*".